

CHAPTER 66 LIVESTOCK MOVEMENT

[Appeared as Ch 2, 1973 IDR]

[Prior to 7/27/88, see Agriculture Department 30—Ch 18]

NOTE: Rules governing movement of livestock (both interstate and intrastate) through livestock auction markets, marketing agencies, sale barns or sale yards with special reference to brucellosis requirements of cattle as applied to livestock auction markets and marketing agencies specifically approved under state-federal agreement.

For the purpose of following rules—livestock markets shall be deemed to include all auction markets, marketing agencies, sales barns, sales yards or livestock dealers operating under a state permit as required.

"Livestock" shall mean cattle, horses, sheep, goats, swine (other than feeder swine) or any other animals of the bovine, equine, ovine, caprine or porcine species.

21—66.1(163) Permits.

66.1(1) *By whom required.* Any person, partnership, firm, corporation or livestock market engaged in the business of buying, selling or assembling livestock, or receiving livestock by consignment for the purpose of resale either interstate or intrastate, whether by private sale, public auction or on a commission basis either wholly or in part, when not under full-time federal supervision must be under state supervision and must first obtain a permit to conduct such business. A separate permit must be obtained for each separate or independent marketing unit even though operated under the same management or same person, partnership, firm, corporation or livestock market.

The foregoing provision shall not apply to authorized agents or employees of livestock markets operating under a valid state permit, provided such agent or employee is doing business in the name of such livestock market, nor shall it apply to the owner or operator of a farm or feedlot who deals only in livestock which has been kept or used for dairy, breeding or feeding purposes. Furthermore, this shall not apply to a commission firm doing business under the rules and regulations of a public stockyards company operating under federal supervision.

66.1(2) *How permits will be issued.* Applications for livestock marketing permit shall be made to the division of animal industry by the marketing unit owner or operator or the livestock dealer on a special form furnished by the department. Upon receipt of such application, an investigation will be made and the premises will be inspected by a qualified state-employed inspector. A permit will then be issued or the application denied.

66.1(3) *Fees for permit.* The following fees shall accompany each application for a permit and are not returnable.

1. For individuals, partnerships or corporations—\$50.00
2. Annual renewal—\$50.00
3. Each branch market or agent authorized to represent a permitholder—\$10.00
4. Annual renewal—\$10.00.

This rule is intended to implement Iowa Code section 163.1.

21—66.2(163) Animal health sanitation and record-keeping requirements.

66.2(1) *Veterinary inspection required.* All auction markets, marketing agencies, sales barns or sales yards operating under a permit as required shall provide for veterinary inspection by a qualified veterinary inspector, approved by the department of agriculture and land stewardship, state of Iowa, who shall inspect all animals marketed and shall require that the premises be maintained in sanitary condition at all times.

66.2(2) *Who may inspect.* Any accredited veterinarian, licensed to practice in the state of Iowa, and who has been approved by the Iowa department of agriculture and land stewardship. In addition the veterinary inspector must be approved by the department to do brucellosis testing or shall have available approved laboratory testing facilities.

66.2(3) All livestock marketing permitholders are required to comply with the record-keeping requirements of subrule 66.3(7). Failure to do so shall constitute grounds for revoking their permit.

This rule is intended to implement Iowa Code section 163.1.

21—66.3(163) Duties and responsibilities of the livestock market management.

General. All livestock market owners, operators or managers shall cooperate in obtaining full compliance with all state laws, rules and with the federal regulation (Part 78, Title 9—C.F.R.) and shall agree to:

66.3(1) Notify the division of animal industry, Iowa department of agriculture and land stewardship and United States Department of Agriculture (Des Moines branch) animal disease eradication division as to method of operation (buying, receiving and selling of livestock). Auction markets shall furnish a schedule of regular sale dates and notify both aforementioned departments of all special sales not less than five days in advance.

66.3(2) Provide for chutes and divisions of yarding and pens as required to handle livestock according to their classification.

66.3(3) Furnish the name of a veterinarian who will be held primarily responsible for all inspections required to be approved as veterinary inspector.

66.3(4) Permit no animals to be sold at any time prior to veterinary inspection.

66.3(5) Release only recognized beef-type cattle for feeding or grazing purposes as qualify under Iowa law and federal regulations.

66.3(6) Clean and disinfect all chutes, whether portable or stationary and all pens, alleyways and scales after each sale or at any time when ordered to do so by the approved veterinary inspector and in accordance with the procedure recommended by the inspector.

66.3(7) Maintain accurate records, including records of origin, identification, destination or other disposition of all livestock handled at the livestock market. Such records shall be made available for inspection by an authorized state or federal inspector upon request. Such records shall be kept for a period of not less than two years.

66.3(8) Notify both state and federal offices immediately in the event of sale, transfer of ownership or change of management of the livestock marketing agency.

66.3(9) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove a market from the state-federal approved list or revoke the permit to operate as a livestock market or both. In the event of termination of operation, the permit to operate must be surrendered to the State Department of Agriculture and Land Stewardship, Henry Wallace Building, Des Moines, Iowa 50319.

21—66.4(163) Duties and responsibilities of the livestock market veterinary inspector.

General. The livestock market veterinary inspector shall allow sufficient time to perform their duties at the livestock market and shall inspect all livestock prior to sale whether sold by auction or private sale. In the case of auction markets they must be present during the entire time the sale is in progress. They shall have full authority to reject or detain any animal or animals at owner's expense, or any animal or animals which in their opinion is diseased or exposed in conformance with Iowa Code chapter 163, which for any reason may be detrimental to the health of the animals within the state. In addition to clinical inspection on all animals, the veterinary inspector shall:

66.4(1) Permit no animal to be sold prior to test when a test is required.

66.4(2) Permit no animal to be released prior to vaccination when vaccination is required.

66.4(3) Obtain permits for movement (either interstate or intrastate) at owner's expense when permits are required.

66.4(4) Issue all official quarantines (including feeder quarantine) or other form of releasing documents before permitting animals to be removed from the livestock market.

66.4(5) Mail copies of all certificate of veterinary inspections and quarantines to the division of animal industry immediately.

66.4(6) Mail copies of all test charts (both TB and Brucellosis) and copies of all calfhood vaccination record Form BV-1 to the United States Department of Agriculture (Des Moines branch), Animal Disease Eradication Division.

66.4(7) Report promptly all violations or refusals to comply with state laws, rules and federal regulations to the proper state or federal inspectors.

66.4(8) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason for disapproving the veterinary inspector.

66.4(9) Identify all cattle exposed to brucellosis that are moving from a premise of origin or from a livestock market to slaughter, by branding with heat the letter "S" (at least 2 × 2 inches) placed on the left jaw prior to movement, or exposed cattle may be identified and permitted to a livestock market where they shall be identified by "S" brand upon arrival. Exposed cattle returned from the livestock market to the herd of origin under quarantine pending further testing are exempt from this requirement. Exposed cattle may move intrastate directly from a herd of origin to slaughter in a sealed truck without permanent identification by "S" brand.

In the event that circumstances make it impossible to return exposed animals to farm of origin, and that the sale of exposed animals to slaughter will create a financial hardship for the seller, a permit may be obtained from the department, whereby the exposed animals may be moved to farm of origin or other premise unbranded and there kept under strict quarantine. These animals must be tested at the appropriate times and the quarantine may be released when the results of the testing qualify the herd for such release.

Fee schedule. At market—no herd stop. Two dollars per head for all cattle branded. Claim by the veterinarian will be certified by the secretary of agriculture and forwarded to the county of origin.

Farm of origin—Trip charge fifteen dollars plus two dollars for each animal branded.

Charges for exposed cattle originating from out of state or from dealers shall be paid by consignor.

21—66.5(163) Classification of livestock markets and permitholders.

66.5(1) State-federal approved markets shall include all markets that qualify to receive cattle in conformance with state laws, rules and federal regulations 9 CFR, 78.1 et seq., revised as of January 1, 1980. They will be classified according to their physical facilities and equipment available to receive, handle and maintain the identity and the brucellosis health status of cattle marketed. They will be designated as Class "A", those approved to receive all classes of cattle including known brucellosis reactors, and Class "B", those approved to receive only cattle not known to be brucellosis infected.

66.5(2) Nonapproved markets shall include all markets that do not qualify for state-federal approval under 9 CFR, 78.1 et seq., revised as of January 1, 1980.

21—66.6(163) Requirements for state-federal (specifically) approved markets.

66.6(1) Physical facilities and equipment necessary to qualify for Class "A" state-federal approved market.

Class "A" certificates of approval will be issued to auction markets only; and only to those markets having facilities and equipment to receive cattle in conformance with state laws, rules and with federal regulation (Title 9, Part 78—CFR) and will be permitted to receive all classes of cattle including known brucellosis reactors.

66.6(2) Class "A" state-federal approved markets shall:

a. Provide a separate unloading chute and a division of yarding for handling of known brucellosis reactors, such chute and yarding shall at no time be used to hold cattle of any other class.

b. Provide sufficient runways or alleyways, the floors of which shall be covered with concrete or other material of an impervious nature so that reactor animals can travel from the holding pens through the sale ring and the scale room and be returned without leaving such floors.

c. Provide a separate unloading chute and a division of yarding for handling cattle originating in certified brucellosis-free herds or in negative herds from modified certified brucellosis areas. Such chute may be used for handling cattle of unknown brucellosis health status.

d. Provide sufficient runways or alleyways, the floors of which are covered with concrete or other material of an impervious nature so that animals can travel from holding pens through sale ring and scale room and be returned without leaving such floors.

66.6(3) Physical facilities and equipment necessary to qualify for Class “B” state-federal approved markets. Class “B” certificates of approval will be issued to auction markets meeting the same requirements as listed under 66.6(2) except paragraphs “a” and “b”; and to marketing agencies having facilities to maintain the identity and brucellosis health status of the various classes of cattle received.

66.6(4) *Nonapproved markets.* Nonapproved markets will not be permitted to receive cattle originating outside the state of Iowa, except such cattle that have met both state and federal requirements prior to entry, but must meet the same requirements as state-federal specifically approved markets in handling and releasing cattle to move intrastate and must meet all federal regulations under Title 9, Part 78—CFR, as well as the requirements of the state of destination in releasing cattle to move interstate. Cattle from certified herds and areas passing through such markets shall be deemed to have lost their status and must meet the requirements of 66.7(1) through 66.7(6). If brucellosis reactor animals are disclosed on tests within nonapproved markets, they shall be placed in a holding pen separate and apart from other cattle. Such animals must be sold or moved from the holding pen direct to slaughter.

This rule is intended to implement Iowa Code section 163.1.

21—66.7(163) Requirements for sale of all bovine animals. All animals must pass a negative test for brucellosis unless they can be classified under one of the following exemptions:

66.7(1) Steers and spayed heifers.

66.7(2) Female calves for dairy and breeding purposes under six months of age.

66.7(3) Female animals of recognized beef type sold for feeding and grazing purposes under 18 months of age (as evidenced by the loss of the first pair of temporary incisor teeth) which are not parturient (springers) or postparturient.

66.7(4) Cattle cosigned direct to slaughter.

66.7(5) Official calfhood vaccinates of the dairy breeds under 20 months of age and of beef breeds under 24 months of age when properly identified (as evidenced by the presence of the first pair of incisor teeth), which are not parturient (springers) or postparturient.

66.7(6) Cattle accompanied by test charts and properly identified as having passed a negative test within 30 days.

66.7(7) Cattle from brucellosis certified-free herds where certification number and date of last test are known and individually identified.

66.7(8) Cattle which have been located in a brucellosis Class Free state for the six months immediately prior to sale.

After the cattle are classified and identified, according to the purpose for which they are to be sold, this information shall be recorded on the check-in slip. All check-in slips, vaccination certificates, test charts, permits or other official documents shall be given to the official veterinary inspector. The veterinary inspector shall be held responsible for checking all animals and determining if the animals qualify under these exemptions. Animals that do not qualify must be tested or sold for slaughter.

This rule is intended to implement Iowa Code sections 163.1 and 163.19.

21—66.8(163) Testing. All animals classified to be tested shall be tested prior to sale. All brucellosis tests shall be reported on the regular brucellosis test form 4-33, and blood samples of all animals tested shall be forwarded to the State-Federal Animal Health Laboratory, Department of Agriculture and Land Stewardship, Wallace Building, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code section 164.4.

21—66.9(163) Order of sale through auction markets. The following order shall be maintained in the sale of the various classes of cattle through auction markets whenever applicable:

66.9(1) Cattle from certified herds and modified certified brucellosis areas.

66.9(2) Animals having passed a negative test within 30 days and official vaccinates of dairy type under 20 months of age and of beef type under 24 months of age not visibly pregnant or postparturient.

66.9(3) Beef cattle sold for feeding and grazing.

66.9(4) Animals consigned direct to a slaughter.

66.9(5) Brucellosis reactor animals.

This rule is intended to implement Iowa Code sections 163.1 and 163.19.

21—66.10(163) Releasing cattle. The veterinary inspector in charge of the livestock market shall be held responsible for seeing that all animals are released in conformance with Iowa laws, rules and federal regulation Title 9, Part 78—CFR, where interstate movement is involved. All release forms must be signed, stamped or otherwise approved by the veterinarian or someone authorized by the veterinarian. Any stamp so used must be initialed by the person by whom it is used. The livestock market management shall cooperate to see that all animals are released only on properly stamped or veterinary-approved release forms.

This rule is intended to implement Iowa Code section 163.4.

21—66.11(163,172B) Movement of livestock within the state. With the exception of nonquarantined livestock consigned for immediate slaughter, all livestock transported within Iowa, where a change of ownership is involved, must be accompanied by a standard transportation certificate or one of the following documents:

1. Certificate of Veterinary Inspection
2. Form M—Certificate of Inspection or Postmovement Quarantine Form
3. Form Q-LSM—Swine Quarantine
4. Form 1-27—Quarantined Livestock Consigned for Slaughter
5. Affidavit of Slaughter.

All of the foregoing documents shall be properly executed by a licensed, accredited veterinarian of Iowa and shall indicate the following: destination of the livestock, purpose of the movement, number and description of the animals, point of origin, and name and address of the consignor.

EXCEPTION: Livestock classes that do not require individual identification may move intrastate on a bill of sale containing a stamped certification of veterinary inspection. The stamped certification shall contain the following statement:

“I certify as a licensed, accredited veterinarian, that these animals have been inspected by me and that they are not showing signs of infectious, contagious, or communicable diseases (except where noted).”

Signature

The stamped certification must be signed by the veterinarian or contain the veterinarian's stamped signature, applied and initialed by someone authorized by the veterinarian.

Market consignment records must be signed or initialed by the inspecting veterinarian as proof of inspection before the stamped certification can be applied to the bill of sale by an authorized person. Inspection records must be maintained by the market for at least two years.

This rule is intended to implement Iowa Code chapters 163, 163A, 164, and 172B and Iowa Code section 163.12.

21—66.12(189,189A) Movement of food-producing animals and their products into the state.

All movement in Iowa of animals which are raised for food production and intended for feeding or slaughter purposes, and which originate from countries which allow a use of chloramphenicol, prohibited by 21 CFR, Part 555, Revised as of April 1, 1983, shall be accompanied by a certificate that documents such animals are free from any residue of chloramphenicol drugs.

This rule is intended to implement Iowa Code sections 189.15 and 189.17.

21—66.13 to 66.19 Reserved.

21—66.20(163) Revocation or denial of permit. The department may revoke or refuse to issue or renew a livestock dealer permit, a pig dealer license, or a livestock dealer agent permit or a pig dealer agent permit if the department finds that the applicant, a person with an ownership interest in the applicant, or an individual employed by the applicant has done any of the following:

1. Has not filed or maintained a surety bond in the form and amount as required by Iowa Code section 163.30.
2. Has violated the provisions of Iowa Code chapter 163, 163A, 164, 165, 166, 166A, 166B, or 166D or the rules adopted pursuant to those chapters.
3. Has made false or misleading statements as to the health or physical condition or origin of livestock or feeder pigs, or practiced fraud or misrepresentation in connection with the buying or receiving of livestock or feeder pigs or the selling, exchanging, soliciting or negotiating the sale of livestock or the weighing of livestock or feeder pigs.
4. Has failed to maintain and keep suitable animal health and movement records as required or to provide access to the department to the records.
5. Has had a license or permit suspended or revoked or has been otherwise barred from engaging in the buying, selling, assembling livestock or feeder pigs, or receiving livestock or feeder pigs on consignment by either the United States Department of Agriculture or by another state unless the department concludes after an investigation that the facts leading to the suspension or revocation demonstrate that granting the license or permit will not create a substantial risk to the Iowa livestock or feeder pig industry. This paragraph shall also apply if there is a pending action to suspend or revoke a permit.
6. Has failed to comply with any lawful order of the department or a state or federal court.

This rule is intended to implement Iowa Code chapter 163.

[Filed 12/23/59; amended 2/1/60]

[Filed 4/13/76, Notice 2/9/76—published 5/3/76, effective 6/7/76]

[Filed 8/10/76—published 9/8/76, effective 8/10/76]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 1/14/77—published 2/9/77, effective 2/17/77]

[Filed emergency 2/16/77—published 3/9/77, effective 2/17/77]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed 11/21/80, Notice 10/15/80—published 12/10/80, effective 1/14/81]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 5/22/85—published 6/19/85, effective 5/22/85]

[Filed 7/25/85, Notice 6/19/85—published 8/14/85, effective 9/18/85]

[Filed 3/21/86, Notice 2/12/86—published 4/9/86, effective 5/14/86]

[Filed 11/13/87, Notice 8/26/87—published 12/2/87, effective 1/6/88]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed emergency 3/31/94—published 4/27/94, effective 3/31/94]

[Filed 8/12/94, Notice 4/27/94—published 8/31/94, effective 10/5/94]

[Filed 3/6/98, Notice 1/28/98—published 3/25/98, effective 4/29/98]